

STIP

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UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SARAH ORR-HUGHES,

Defendant.

Case No.: 2:18-mj-00823-VCF

STIPULATION TO CONTINUE
PRELIMINARY EXAMINATION

(THIRD REQUEST)

IT IS STIPULATED between the defendant SARAH ORR-HUGHES through her attorney GABRIEL L. GRASSO, ESQ., and the United States of America, through BRANDON JAROCH, Assistant United States Attorney, that the Preliminary Examination currently scheduled for December 6, 2018, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient to this court but not earlier than thirty (30) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. There have been two previous continuances granted to the defense in this case.
2. The parties have filed a Pre-Indictment plea agreement with the Clerk of Court, which requires assignment to a District Judge and the setting of a change of plea hearing.
3. The defendant is on Pretrial Release and does not object to a continuance of the preliminary hearing.
4. Denial of this request for continuance would deny defense counsel sufficient time to be able to appear at the motion to withdraw, taking into account the exercise of due diligence.

5. Also, denial of this request or continuance would result in a miscarriage of justice.

6. This is the third request for a continuance of the preliminary hearing date.

DATED this 4 day of December, 2018.

RESPECTFULLY SUBMITTED BY:

/s/Brandon Jaroch
BRANDON JAROCH
Assistant United States Attorney

/s/ Gabriel L. Grasso
GABRIEL L. GRASSO
Attorney for ORR-HUGHES

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FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties have entered into a pre-indictment plea agreement and need additional time to have a change of plea hearing.
2. The defendant does not object to a continuance of the preliminary hearing.

CONCLUSIONS OF LAW

1. Denial of this request for continuance would deny counsel the ability to explain his reasons for withdraw to the Court.
2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the sentencing hearing date.

4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
5. This is the third request for a continuance.

ORDER

IT IS ORDERED that the PRELIMINARY EXAMINATION hearing currently scheduled for December 6, 2018, at 4:00 p.m., be vacated and continued to January 8, 2019 at 4:00 PM, in Courtroom 3D.

DATED this 6th day of December, 2018.